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4 **UNITED STATES DISTRICT COURT**  
5 **DISTRICT OF NEVADA**  
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7 FREDRICK CONNORS, )  
8 Plaintiff, ) Case No. 2:12-cv-01478-GMN-CWH  
9 vs. ) **ORDER**  
10 NEVADA ENERGY, )  
11 Defendant. )  
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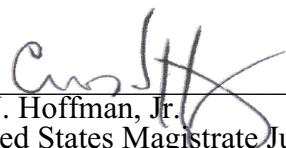
13 This matter is before the Court on Plaintiff's Motion for Leave (#5), filed September 6,  
14 2012.

15 Although unclear, it appears that Plaintiff is seeking leave to conduct discovery. The  
16 request will be denied. Plaintiff's complaint was dismissed without prejudice on September 7,  
17 2012, for failure to state a claim upon which relief can be granted. (#3). Plaintiff was given 30  
18 days from that date to file an amended complaint. He has not done so. As a result, there is no  
19 operative complaint in this matter and discovery of any kind would be premature. Even if  
20 Plaintiff does file a viable amended complaint, it must still be served and the parties, after  
21 service, must conduct a Rule 26(f) conference prior to any discovery. *See Fed. R. Civ. P. 26(d)*  
22 ("A party may not seek discovery from any source before the parties have conferred as required  
23 by Rule 26(f) . . . .").

24 Based on the foregoing and good cause appearing therefore,

25 **IT IS HEREBY ORDERED** that Plaintiff's Motion for Leave (#5) is **denied**.

26 DATED this 11th day of September, 2012.

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C.W. Hoffman, Jr.  
United States Magistrate Judge